

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Committee on Health (Frommer (Chair), Pacheco (Vice Chair), Bates, Chan, Chavez, Chu, Cohn, Goldberg, Koretz, Nakanishi, Nakano, Negrete McLeod, Nunez, Ridley-Thomas, Wolk, and Yee)

March 11, 2003

An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections ~~120910~~, 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Committee on Health. Health care.

(1) Existing law creates the California Health Manpower Policy Commission which designates the geographical rural areas within California where unmet priority need for medical services exist.

This bill would change the name of this commission to the California Healthcare Workforce Policy Commission.

(2) ~~Existing law requires the State Department of Health Services to assess and collect data from HIV early intervention projects each year and to report its findings to the Legislature annually.~~

~~The bill would remove the requirement that the department report its findings to the Legislature.~~

~~(3)~~ Existing law establishes the Hemodialysis Technician Training Act, administered by the State Department of Health Services, which provides for the regulation and training of hemodialysis technicians. Existing law prohibits a person from providing hemodialysis technician services without meeting certain requirements, including certification by the department as being a graduate of a local training and testing program operated by an accredited college or university. Existing law requires hemodialysis training and testing program to be approved by the State Department of Health Services

The bill would revise these provisions and, among other things, would establish minimum standards for operating a hemodialysis technician training program, require an enrollee of a training program to have a high school diploma or a general equivalency diploma, and limit the use of the term “certified hemodialysis technician.”

Existing law provides that a violation of the provisions relating to hemodialysis technicians is a crime.

The bill, by expanding these provisions, would create a new crime and would impose a state-mandated local program.

~~(4)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.5 (commencing with Section 1247) of
2 Chapter 3 of Division 2 of the Business and Professions Code is
3 repealed.

4 SEC. 2. Article 3.5 (commencing with Section 1247) is added
5 to Chapter 3 of Division 2 of the Business and Professions Code,
6 to read:
7

Article 3.5. Hemodialysis Training and Certification

1247. This article shall be known and may be cited as the Hemodialysis Technician Training and Certification Act.

1247.2 For the purpose of this article, the following terms have the following meaning:

(a) “Chronic dialysis Clinic or Unit” means a specialty clinic or unit of a clinic or a general acute care hospital for the treatment of patients with end-stage renal disease, that is licensed pursuant to paragraph (2) of subdivision (b) of Section 1204 of the Health and Safety Code, or has a special permit for a chronic dialysis unit in a general acute care hospital licensed pursuant to subdivision (a) of Section 1250 of the Health and Safety Code.

(b) “Clinical training” means that portion of the training program that includes instruction and demonstration of patient care skills relating to dialysis treatment by an instructor, and a return demonstration of competence in these skills by the hemodialysis technician trainee.

(c) “Competency examination” means an examination, as required in Section 1247.49, conducted by a training agency at the completion of a training program to validate a trainee’s knowledge of dialysis treatment and to determine his or her clinical competency.

(d) “Department” means the State Department of Health Services.

(e) “Hemodialysis technician” means an unlicensed health care provider who is certified under this article and is either of the following:

(1) Employed by a chronic hemodialysis clinic or unit for the purpose of participating in the direct treatment of patients undergoing hemodialysis, as provided in Section 1247.3.

(2) Employed by a home dialysis agency for the purpose of participating in direct treatment of patients undergoing hemodialysis, as provided in Sections 1794.14 and 1794.15 of the Health and Safety Code.

(f) “Immediate supervision” means that a supervisor must be physically present in the same room while clinical skills are being performed. The immediate supervision shall be provided by a licensed physician and surgeon or licensed registered nurse.

(g) “*Passing grade*” means a score of 70 percent or better.

1 (h) “Trainee” means a person in training as a hemodialysis
2 technician who is under immediate supervision.

3 ~~(h)~~

4 (i) “Training agency” means either of the following:

5 (1) A chronic dialysis clinic or unit within a general acute care
6 hospital, as defined respectively in Sections 1204 and 1250 of the
7 Health and Safety Code.

8 (2) An accredited college, accredited university, regional
9 occupational center, adult education center, or private school that
10 provides a hemodialysis technician training and testing program.
11 As used in this article, “accredited” has the same meaning as
12 defined in Section 94712 of the Education Code.

13 ~~(i)~~

14 (j) “Training director” means a registered nurse who is
15 responsible for the development, management, and supervision of
16 the training and competency testing program.

17 ~~(j)~~

18 (k) “Training program” means a hemodialysis technician
19 training program authorized by this article to prepare trainees for
20 certification as hemodialysis technicians.

21 1247.3. (a) The treatment of patients by a hemodialysis
22 technician includes performing venipuncture and arterial puncture
23 for the purpose of providing dialysis treatment for a patient.

24 (b) The treatment of patients includes the administration of
25 local anesthetics, heparin, and sodium chloride solutions. The
26 administration of these medications shall be pursuant to protocol
27 established by the medical director of the chronic dialysis clinic or
28 unit, and shall be under the immediate supervision of a licensed
29 physician and surgeon or a licensed registered nurse.

30 (c) The administration of local anesthetics shall be limited to
31 intradermal, subcutaneous, or topical administration.

32 (d) Hemodialysis technicians employed by a home dialysis
33 agency and providing services in accordance with Sections
34 1794.14 and 1794.15 of the Health and Safety Code are exempt
35 from the requirement of immediate supervision, as defined in
36 Section 1247.2.

37 1247.4. (a) The department shall adopt regulations
38 prescribing standards for training and testing programs,
39 certification of hemodialysis technicians, and minimum standards
40 for the approval for operating a training program.

(b) The regulations adopted by the department shall prescribe minimum standards for ~~staffing with qualified licensed~~ *training program staffing with qualified* personnel, and shall include training and testing in the administration of local anesthetics, heparin, and *sodium* chloride solutions.

(c) The regulations shall permit program flexibility by allowing a training program to use alternative concepts, methods, procedures, techniques, equipment, or personnel qualifications as long as the statutory requirements are met and the training program obtains prior written approval from the department. The department's approval shall set forth the terms and conditions for the alternative use. A training program shall submit *a* program flexibility request on a standardized form provided by the department with supporting documentation.

1247.41. An enrollee for a hemodialysis technician training and testing program shall have a high school diploma or a general equivalency diploma.

1247.43. (a) A training program may not operate without the department's approval. A training program shall be operated by a training agency, as defined in subdivision ~~(h)~~ *(i)* of Section 1247.2, and shall meet the requirements of, and the regulations adopted pursuant to, this article.

(b) Nothing in this article shall be construed to require a chronic dialysis clinic or unit of a general acute care hospital to operate a training program.

1247.45. (a) An applicant for approval as a training program shall submit the following to the department:

(1) A completed written application on a form provided by the department.

(2) A copy of the program curriculum ~~which~~ *that* details the course content and number of hours assigned to classroom and clinical training sessions.

(3) Disclosure of ownership information *applicable only to training programs. A stockholder who owns 10 percent or more of a corporation is required to disclose that ownership. The disclosure shall include the stockholder's name and principal mailing address.*

(4) Disclosure of the identity and qualifications of the training director, instructors, and preceptors.

(5) Any other information required by the department for the proper administration and enforcement of this article.

(b) (1) Training agencies operated by private schools and public educational institutions shall contract with a *licensed* chronic dialysis clinic or unit to provide a clinical setting to conduct the clinical training portion of their program.

(2) The responsibilities, functions, objectives, and terms of agreement shall be delineated in a written contract signed by authorized representatives of all parties. The training agencies shall submit a copy of the contract to the department with the application.

(c) (1) If the department determines that the applicant fails to comply with the requirements for approval, the department shall give a written notice to the applicant by certified mail of the reasons for the determination and of the applicant's right to appeal the determination.

(2) *Within 10 days of receiving the department's letter of determination, the applicant may appeal the department's determination by notifying the department's Deputy Director of Licensing and Certification in writing that the applicant appeals the department's determination.*

(3) *The Deputy Director of Licensing's decision of the applicant's appeal is final.*

1247.46. The department shall issue a provider identification number to all training agencies that operate an approved training program or continuing education program. A provider number is not transferable. The training agency shall use the identification number when corresponding with the department.

1247.47. A training program curriculum shall include at least the following:

(a) ~~One hundred eighty hours of classroom~~ *twenty hours of classroom or didactic instruction, or both classroom and didactic instruction*, conducted in a chronic dialysis clinic or unit, accredited college, accredited university, regional occupational center, adult education center, or private school, on all of the following:

(1) The principles of dialysis treatment.

(2) Body systems review.

(3) Treatment modalities.

(4) Renal diet and blood chemistries.

- 1 (5) Infectious diseases.
- 2 (6) Dialysis systems and equipment.
- 3 (7) Routine dialysis care.
- 4 (8) Hemodialysis vascular access.
- 5 (9) Medical problems common during dialysis.
- 6 (10) Complications of renal failure.

7 (b) ~~Three hundred~~ *Two hundred eighty* hours of supervised
8 clinical training. The clinical training shall include clinical
9 instruction without patients present and clinical training with
10 patients present. To ensure patient safety and quality of care during
11 clinical training, a trainee must demonstrate that he or she has
12 sufficient knowledge to perform a clinical skill competently prior
13 to being assigned to perform the clinical skill.

14 1247.49. (a) A training program shall conduct testing at the
15 completion of the training program curriculum required under
16 Section 1247.47 and regulations adopted pursuant to this article.
17 Testing shall include:

18 (1) Written examination to validate knowledge of dialysis
19 treatment and subjects covered in classroom curriculum.

20 (2) Completion of clinical skills checklist to determine clinical
21 competency.

22 (b) The training director shall notify the department in writing
23 of the trainees who have successfully completed the *training and*
24 testing program, within ~~seven~~ 30 business days following the
25 completion of the testing program.

26 1247.51. (a) An officer, employee, or agent of the
27 department may, upon presentation of proper identification, enter
28 and inspect a program site's premises or records at any reasonable
29 time to secure compliance with the provisions of this article or to
30 conduct a complaint investigation.

31 (b) A person who attempts to interfere with the work of an
32 authorized department representative shall be guilty of a
33 misdemeanor.

34 1247.52. (a) The department shall prepare and maintain a list
35 of approved training programs for hemodialysis technician
36 certification. The training program list shall include whether a
37 training agency is currently training hemodialysis technicians and
38 the number of hemodialysis technicians that have successfully
39 completed the program.

(b) The department shall inspect a representative sample of training programs. If the department determines that a training program does not comply with program requirements, the department shall give written notice of the violation to the training program. If the training program is not in compliance within a reasonable specified time, the department may give written notice of intent to revoke the training program's approval. A training program may request reinstatement of program approval at any time.

(c) A training program shall retain training records for six years from the date the program was approved. The records shall be available to the department for inspection upon request. A training program shall retain individual course training records that include the date and time of the training, course title, and name of the instructor. The training records of trainees who have completed the program shall be available to the department for inspection for six years from the date the trainee completed the program. ~~The training program shall retain training records of trainees who failed to complete the program for two years.~~

1247.54. (a) The department may deny, suspend, or revoke the approval of a training program for ~~any~~ *either* of the following reasons:

(1) The training program violates a provision of this chapter or a rule or regulation promulgated under this chapter.

(2) The training program aids or permits a violation of a provision of this chapter, or a rule or regulation promulgated under this chapter.

~~(3) A training program engages in conduct inimical to the public health, morals, welfare, or safety of the people of California.~~

~~(b) A proceeding to deny, suspend, or revoke program approval under this article shall be conducted in accordance with Section 100171 of the Health and Safety Code.~~

~~(e)~~

(b) A training program that is dissatisfied with the department's decisions to deny program approval may file a written appeal request with the department within 20 business days of receipt of written notice of denial.

1 ~~1247.58. (a) A chronic dialysis unit or clinic that does not~~
2 ~~provide a training program shall have the following information~~
3 ~~available for inspection by the department:~~

4 (1) ~~The local training program with which it contracts, or proof~~
5 ~~that the hemodialysis technicians employed meet the requirements~~
6 ~~of Section 1247.6.~~

7 (2) ~~The names of the hemodialysis technicians and~~
8 ~~hemodialysis technician trainees employed in the unit or clinic.~~

9 1247.59. (a) ~~The training program~~ *A training program*
10 *operated by a private school* shall notify the department in writing
11 within 10 days of any change in the following:

12 (1) Officers, general partners, or other principals,
13 administrators, or managers. The notice shall include the person's
14 name and principal business address.

15 (2) Stockholders owning ~~5~~ 10 percent or more of a corporation.
16 The notice shall include the name and principal mailing address of
17 the new stockholder.

18 (3) Training director. The notice shall include the name and
19 qualifications of the new training director.

20 (b) The training program shall notify the department in writing
21 30 days prior to ~~changing~~ *making a substantive change to* an
22 approved training program curriculum.

23 1247.60. (a) Except during training under immediate
24 supervision, a person may not provide services as a hemodialysis
25 technician without being certified by the department.

26 (b) The department may certify a person based on any of the
27 following:

28 (1) The person is certified by the Board of Nephrology
29 Examination for Nurses and Technicians (BONENT).

30 (2) *The person is certified by the National Nephrology*
31 *Certification Organization.*

32 (3) The person has completed a department-approved training
33 program in a ~~hemodialysis~~ *chronic dialysis* clinic or unit.

34 ~~(3)~~

35 (4) The person is a graduate of a training and testing program
36 that complies with this article and the regulations adopted under
37 this article.

38 ~~(b)~~

39 (c) This article does not apply to a person who meets all of the
40 following requirements:

1 (1) ~~He or she~~ *The person* is a home dialysis patient or a patient
2 helper.

3 (2) The person *is* not employed by a licensed facility.

4 (3) The person has undergone a home dialysis training program
5 operated by a licensed clinic or hospital, as defined in Sections
6 1204 and 1250 of the Health and Safety Code.

7 (4) The person is certified by the medical director of the facility
8 as being competent to perform home dialysis treatment.

9 1247.61. (a) A person certified as a hemodialysis technician
10 under this article may be known as a certified hemodialysis
11 technician and may place the letters CHT after his or her name
12 when working in a chronic dialysis clinic or unit.

13 (b) It is unlawful for a person not certified under this article to
14 hold himself or herself out to be a certified hemodialysis
15 technician. A person that makes a false representation as being a
16 certified hemodialysis technician is guilty of a misdemeanor.

17 1247.64. (a) A certificate issued under this article shall
18 expire on the certificate holder's birthday. The first expiration
19 shall be on the certificate holder's birthday not more than four
20 years or less than three years from the ~~initial certification~~
21 *certificate holder's initial certification*, and every four years
22 thereafter.

23 (b) To renew an unexpired certificate, the certificate holder
24 shall do all of the following on or before the certificate expiration
25 date:

26 (1) Apply for renewal on a form provided by the department.

27 (2) Pay the renewal fee prescribed by this article.

28 (3) Submit documentation of completion of the required
29 continuing education training.

30 (c) The department shall give written notice ~~of~~ *to* a certificate
31 holder 90 days in advance of the renewal date that includes *written*
32 information about the provisions of this section. Failure to receive
33 the renewal notice does not relieve the certificate holder of the
34 obligation to make a timely renewal. Failure to make a timely
35 renewal shall result in expiration of the certificate.

36 (d) An expired certificate may be renewed at any time within
37 two years after its expiration by filing an application for renewal
38 on a form prescribed by the department, payment of the renewal
39 fee in effect on the date the application is filed, and submission of
40 documentation of the required continuing education training.

~~(c) Except as provided in subdivision (h), a certified hemodialysis technician who applies for renewal more than two years after the expiration date, shall complete an approved training program. The training program will assess the hemodialysis technician's knowledge and understanding of dialysis treatment, and his or her need for classroom and clinical training.~~

~~(b) The training requirements will be modified to meet the individual hemodialysis technician's needs. At the conclusion of the program and prior to applying for certification renewal, the hemodialysis technician must pass a written examination and demonstrate competency of required skills as required by Section 1247.49.~~

(e) A certified hemodialysis technician who applies for renewal more than two years after the expiration date shall do either of the following:

(1) Complete an approved training program. The training program shall assess the hemodialysis technician's knowledge and understanding of dialysis treatment and need for classroom and clinical training. The training requirements shall be modified to meet the individual hemodialysis technician's needs. At the conclusion of the program and prior to applying for certification renewal, the hemodialysis technician must pass a written examination and demonstrate clinical competency of skills required by section 1247.49.

(2) Take and achieve a passing grade on a written examination and demonstrate clinical competency required by section 1247.49, without requiring additional training. Upon receipt of the written examination results, the certificate holder may petition the department for certificate renewal, and shall submit all of the following:

(A) Documentation verifying a passing grade on the written examination.

(B) Payment of the application fee required by this article.

(C) Documentation of required continuing education training.

(f) A suspended certificate is subject to expiration and shall be renewed as provided in this article, but this renewal does not entitle the certificate holder, while the certificate remains suspended, and, until it is reinstated, to engage in the certified activity, or in any other activity or conduct in violation of the order or judgment by which the certificate was suspended. The certificate holder must

1 submit a renewal application, fee, and documentation of
2 continuing education training as required by this article.

3 ~~(g) To renew a certificate that has been expired for more than~~
4 ~~four years, a certificate holder who takes and achieves a passing~~
5 ~~grade on a competency test required by Section 1247.49, without~~
6 ~~requiring additional training, may petition the department for~~
7 ~~certificate renewal. The certificate holder must submit the~~
8 ~~following documents to the department:~~

9 ~~(1) Documentation verifying a passing grade on the~~
10 ~~competency test.~~

11 ~~(2) Payment of the application fee provided by this article.~~

12 ~~(3) Documentation of required continuing education training~~
13 1247.65. (a) A fee of fifty dollars (\$50) shall be submitted
14 with a hemodialysis technician's initial and renewal certification
15 applications.

16 (b) Payment by mail for the required fee shall be by personal
17 check, cashier's check, certified check, or money order.

18 1247.66. (a) The department may deny, suspend, or revoke a
19 hemodialysis technician's certification if it finds that the
20 hemodialysis technician is not in compliance with this article or a
21 regulation adopted pursuant to this article.

22 (b) The department may deny, suspend, or revoke ~~the~~
23 ~~certification of a hemodialysis technician~~ *a hemodialysis*
24 *technician's certification* for any of the following causes:

25 (1) Unprofessional conduct, which includes incompetence or
26 gross negligence in carrying out his or her usual functions.

27 (2) Procuring a certificate by fraud, ~~or~~ mistake.

28 (3) Making a false statement or *giving false* information in
29 conjunction with the application for issuance or renewal of a
30 certificate.

31 (4) Conviction of a crime substantially related to the
32 qualifications, functions, and duties of a hemodialysis technician
33 in which event the record of the conviction shall be conclusive
34 evidence thereof.

35 (c) In addition to other acts constituting unprofessional conduct
36 within the meaning of this article, all of the following constitute
37 unprofessional conduct:

38 (1) Conviction for, or use of, a controlled substance, as defined
39 in Division 10 (commencing with Section 11000) of the Health
40 and Safety Code, or a dangerous drug, as defined in Article 7

(commencing with Section 4211) of Chapter 9, or alcoholic beverages, in a manner that is dangerous to the hemodialysis technician or another person so that his or her use impairs his or her ability to safely conduct the practice of a hemodialysis technician.

(2) Abuse, whether verbal, physical, or mental, of a patient in any setting where health care is being rendered, or misappropriation of property of patients or others.

(3) Violating or attempting to violate directly or assisting in or abetting the violating of, or conspiring to violate any provision or term of, this article.

(d) In determining whether or not to deny the application for certification or to suspend or revoke certification pursuant to *paragraph (1) of* subdivision (c) or paragraph (4) of subdivision (b), the department shall take into consideration the following factors as evidence of good character and rehabilitation:

(1) The nature and seriousness of the conduct or crime under consideration and its relationship to employment duties and responsibilities.

(2) Activities since conviction, including employment or participation in therapy or education, that would indicate changed behavior.

(3) The time that has elapsed since the commission of the conduct or offense referred to in paragraph (1) ~~or (2)~~ and the number of offenses.

(4) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanction lawfully imposed against the person.

(5) Any rehabilitation evidence, including character references, submitted regarding the person.

(6) Employment history and current employer recommendations.

(7) Circumstances surrounding the commission of the offense that would demonstrate the unlikelihood of repetition.

(8) The Governor grants a full and unconditional pardon.

(9) A certificate of rehabilitation from a superior court.

(e) When the department determines to suspend *or revoke* a certification, the department shall specify the period of suspension. The department may determine that the suspension *or revocation* shall be stayed, placing the certificate holder on

1 probation with specified conditions for a period not to exceed two
2 years. When the department determines that probation is the
3 appropriate action, the certificate holder shall be notified that the
4 probation is in lieu of ~~the department proceeding with a formal~~
5 ~~action to suspend the certification and in lieu of an appeal pursuant~~
6 ~~to subdivision (h):~~ *suspension or revocation and in lieu of an*
7 *appeal pursuant to subdivision (i). If the certificate holder fails to*
8 *comply with the conditions of probation, the department may*
9 *proceed with a formal action to suspend or revoke the certification.*

10 (f) (1) ~~The~~ *In lieu of suspension or revocation, the* certificate
11 holder may request to enter into a diversion program agreement.
12 A diversion program agreement shall specify terms and
13 conditions, including, but not limited to, work performance,
14 rehabilitation, training counseling, progress reports and treatment
15 programs.

16 (2) If a certificate holder ~~successful~~ *successfully* completes a
17 diversion program, the department shall not take action upon the
18 allegations that were the basis for the diversion agreement.

19 (3) If the certificate holder fails to comply with the diversion
20 program agreement, the department may proceed with a formal
21 action to suspend or revoke the certification.

22 (g) A plea or verdict of guilty or a conviction following a plea
23 of nolo contendere shall be deemed a conviction within the
24 meaning of this article. The department may deny an application
25 for certification, or suspend or revoke a certification based on a
26 conviction when the judgment of conviction is entered or when an
27 order granting probation is made suspending the imposition of
28 sentence.

29 (h) Upon determination to deny an application for certification
30 or to revoke or suspend a certificate, the department shall notify
31 the applicant or certificate holder in writing by certified mail of all
32 of the following:

33 (1) The reasons for the determination.

34 (2) The applicant's or certification holder's right to appeal the
35 determination.

36 (i) (1) Upon written notification that the department has
37 determined that an application shall be denied or a certificate shall
38 be suspended or revoked, the applicant or certificate holder may
39 request an administrative hearing by submitting a written request
40 to the department within 20 business days of receipt of the written

notification. Upon receipt of a written request, the department shall hold an administrative hearing pursuant to the procedures specified in Section 100171 *of the Health and Safety Code*, except where those procedures are inconsistent with this section.

(2) (A) A hearing under this section shall be conducted by a hearing officer or administrative law judge designated by the director at a location, other than the applicant's or certificate holder's work facility, that is convenient to the applicant or certificate holder.

(B) The hearing shall be tape recorded and a written decision shall be sent by certified mail to the applicant or certificate holder. Except as specified in subdivision ~~(i)~~ (j), the effective date of an action to revoke or suspend a certificate shall be specified in the written decision, or if no administrative hearing is timely requested, the effective date shall be 21 business days from written notification of the department's determination to revoke or suspend.

(j) The department may revoke or suspend a certificate prior to a hearing when immediate action is necessary in the director's judgment to protect the public welfare. Notice of this action, including a statement of the necessity of immediate action to protect the public welfare, shall be sent in accordance with subdivision (h). *If the certificate holder requests an administrative hearing pursuant to subdivision (i) to appeal a suspension or revocation under this subdivision, the department shall hold the administrative hearing as soon as possible but no later than 30 calendar days from receipt of the request for the hearing.*

(k) If the certificate holder requests an administrative hearing pursuant to subdivision (i), the ~~state~~ department shall hold the administrative hearing as soon as possible but not later than ~~30~~ 60 calendar days from receipt of the request for a hearing. A written hearing decision upholding or setting aside the action shall be sent by certified mail to the certificate holder within ~~30~~ 60 calendar days of the hearing.

(l) A certificate holder's certificate shall be revoked by the department if the department determines the certificate holder practiced as a hemodialysis technician during the term of the suspension.

~~The~~ (m) *If the department decides to deny an application or suspend or revoke a certification, the department shall notify the*

1 applicant's or certificate holder's employer in writing of the
2 following:

3 (1) That the applicant's application was denied or that the
4 certificate holder's certificate was *suspended or* revoked.

5 (2) Whether the determination is final or whether a hearing is
6 pending.

7 1247.71. A hemodialysis ~~technicians applying for~~ technician
8 *applying for a* certificate of renewal shall submit proof that he or
9 she has obtained 30 hours of continuing education ~~training or~~
10 *in-service training, or both continuing education and in-service*
11 *training*, in dialysis care or general health care since the last
12 certificate renewal.

13 1247.74. A hemodialysis technician shall obtain the
14 continuing education *or in-service training* required by Section
15 1247.71 from one or more of the following sources:

16 (a) Health-related courses offered by accredited postsecondary
17 institutions.

18 (b) Health-related courses offered by continuing education
19 providers approved by the California Board of Registered
20 Nursing.

21 (c) Health-related courses offered by recognized health
22 associations if the department determines the courses to be
23 acceptable.

24 (d) Health-related, employer-sponsored continuing education
25 programs.

26 1247.76. (a) A person who obtains a hemodialysis technician
27 certificate from an out-of-state or out-of-country training
28 organization and is not BONENT certified must be certified by the
29 department before he or she may work as a hemodialysis
30 technician in this state. The person may apply to the department
31 for equivalency consideration for certification.

32 (b) The applicant shall submit a copy of a certificate of training
33 and a copy of the program curriculum completed. The department
34 shall accept and review only original documents and transcripts
35 from the out-of-state or out-of-country training organization. If
36 the training program completed meets the training standards under
37 this article, the department shall issue a certificate to the applicant.

38 (c) If the department determines that the training program
39 completed does not meet the department's training standards, the

1 applicant will be informed of the additional training courses
2 required.

3 Following the completion of the required courses, the applicant
4 shall submit to the department documents from the training agency
5 verifying that he or she has successfully completed the required
6 courses and competency exam. The department shall issue the
7 individual a certificate upon full compliance with this article.

8 1247.78. The department shall investigate complaints
9 concerning misconduct by certified hemodialysis technicians and
10 may take disciplinary action pursuant to Section 1247.66.

11 1247.79. A person or entity may not provide chronic dialysis
12 services to patients in this state unless the services are provided
13 under any of the following:

14 (a) The direction of a chronic dialysis clinic, licensed pursuant
15 to Section 1204 of the Health and Safety Code.

16 (b) A home dialysis agency licensed pursuant to Chapter 11
17 (commencing with Section 1794.01) of Division 2 of the Health
18 and Safety Code.

19 (c) A general acute care hospital, licensed pursuant to Section
20 1250 of the Health and Safety Code.

21 SEC. 3. Section 1300 of the Business and Professions Code
22 is amended to read:

23 1300. The amount of application, registration, and license
24 fees under this chapter shall be as follows:

25 (a) The application fee for a histocompatibility laboratory
26 director's, clinical laboratory bioanalyst's, clinical chemist's,
27 clinical microbiologist's, clinical laboratory toxicologist's,
28 clinical cytogeneticist's, or clinical molecular biologist's license
29 is thirty-eight dollars (\$38). This fee shall be sixty-three dollars
30 (\$63) commencing on July 1, 1983.

31 (b) The annual renewal fee for a histocompatibility laboratory
32 director's, clinical laboratory bioanalyst's, clinical chemist's,
33 clinical microbiologist's, or clinical laboratory toxicologist's
34 license is thirty-eight dollars (\$38). This fee shall be sixty-three
35 dollars (\$63) commencing on July 1, 1983.

36 (c) The application fee for a clinical laboratory scientist's or
37 limited clinical laboratory scientist's license is twenty-three
38 dollars (\$23). This fee shall be thirty-eight dollars (\$38)
39 commencing on July 1, 1983.

1 (d) The application and annual renewal fee for a
2 cytotechnologist's license shall be fifty dollars (\$50) commencing
3 on January 1, 1991.

4 (e) The annual renewal fee for a clinical laboratory scientist's
5 or limited clinical laboratory scientist's license is fifteen dollars
6 (\$15). This fee shall be twenty-five dollars (\$25) commencing on
7 July 1, 1983.

8 (f) The application fee for a clinical laboratory license is six
9 hundred dollars (\$600).

10 (g) The annual renewal fee for a clinical laboratory license is
11 five hundred fifty-seven dollars (\$557).

12 (h) The application fee for a certificate of accreditation issued
13 pursuant to Section 1223 is one hundred fifty dollars (\$150).

14 (i) The annual renewal fee for a certificate of accreditation
15 issued pursuant to Section 1223 is one hundred dollars (\$100).

16 (j) In addition, clinical laboratories providing cytology
17 services shall pay an annual fee that shall be set by the department
18 in an amount needed to meet but not exceed the department's costs
19 of proficiency testing and special site surveys for these
20 laboratories, and that shall be based upon the volume of cytologic
21 slides examined by a laboratory. If the amount collected is less than
22 or exceeds the amount needed for these purposes, the amount of
23 fees collected from those laboratories in the following year shall
24 be adjusted accordingly.

25 (k) The application fee for a trainee's license is eight dollars
26 (\$8). This fee shall be thirteen dollars (\$13) commencing on July
27 1, 1983.

28 (l) The annual renewal fee for a trainee's license is five dollars
29 (\$5). This fee shall be eight dollars (\$8) commencing on July 1,
30 1983.

31 (m) The application fee for a duplicate license is three dollars
32 (\$3). This fee shall be five dollars (\$5) commencing on July 1,
33 1983.

34 (n) The delinquency fee is equal to the annual renewal fee.

35 (o) The director may establish a fee for examinations required
36 under this chapter. The fee shall not exceed the total cost to the
37 department in conducting the examination.

38 (p) The annual fee for a clinical laboratory subject to
39 registration under paragraph (2) of subdivision (a) of Section 1265
40 and performing only those clinical laboratory tests or

examinations considered waived under CLIA is fifty dollars (\$50). The annual fee for a clinical laboratory subject to registration under paragraph (2) of subdivision (a) of Section 1265 and performing only provider-performed microscopy, as defined under CLIA is seventy-five dollars (\$75). A clinical laboratory performing both waived and provider-performed microscopy shall pay an annual registration fee of seventy-five dollars (\$75).

(q) The costs of the department in conducting a complaint investigation, imposing sanctions, or conducting a hearing under this chapter shall be paid by the clinical laboratory. The fee shall be no greater than the fee the laboratory would pay under CLIA for the same type of activities and shall not be payable if the clinical laboratory would not be required to pay those fees under CLIA.

(r) The state, a district, city, county, city and county, or other political subdivision, or any public officer or body shall be subject to the payment of fees established pursuant to this chapter or regulations adopted thereunder.

(s) In addition to the payment of registration or licensure fees, a clinical laboratory located outside the State of California shall reimburse the department for travel and per diem to perform any necessary onsite inspections at the clinical laboratory in order to ensure compliance with this chapter.

(t) Whenever a clinical laboratory has paid registration or compliance fees, or both, to HCFA under CLIA for the same period of time for which a license is issued under Section 1265, the fee required for the clinical laboratory license under subdivision (f) or (g), and as adjusted pursuant to Section 100450 of the Health and Safety Code, shall be reduced by the percentage of the total of all CLIA registration and compliance fees paid to HCFA by all California laboratories that are made available to the department to carry out its functions as a CLIA agent in the federal fiscal year immediately prior to when the license fee is due.

(u) The department shall establish an application fee and a renewal fee for a medical laboratory technician license, the total fees collected not to exceed the costs of the department for the implementation and operation of the program licensing and regulating medical laboratory technicians pursuant to Section 1260.3.

SEC. 4. Section 1971 of the Business and Professions Code is amended to read:

1971. For the purposes of this article, the following terms have the following meanings:

(a) “Board” means the Dental Board of California.

(b) “Office” means the Office of Statewide Health Planning and Development.

(c) “Program” means the California Dental Corps Loan Repayment Program.

(d) “Dentally underserved area” means a geographic area eligible to be designated as having a shortage of dental professionals pursuant to Part I of Appendix B to Part 5 of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for dentists exist as determined by the California Healthcare Workforce Policy Commission pursuant to Section 128224 of the Health and Safety Code.

(e) “Dentally underserved population” means persons without dental insurance and persons eligible for the Denti-Cal and Healthy Families Programs who are population groups described as having a shortage of dental care professionals in Part I of Appendix B to Part 5 of Chapter 1 of Title 42 of the Code of Federal Regulations.

(f) “Practice setting” means:

(1) A community clinic, as defined in subdivision (a) of Section 1204 and subdivision (c) of Section 1206 of the Health and Safety Code, a clinic owned or operated by a public hospital and health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fulfill the county’s role pursuant to Section 17000 of the Welfare and Institutions Code, which is located in a dentally underserved area and at least 50 percent of whose patients are from a dentally underserved population; or

(2) A dental practice or dental corporation, as defined in Section 1800 of this code, located in a dentally underserved area and at least 50 percent of whose patients are from a dentally underserved population.

(g) “Medi-Cal threshold languages” means primary languages spoken by limited-English proficient (LEP) population groups meeting a numeric threshold of 3,000, eligible LEP Medi-Cal beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP beneficiaries residing in a single ZIP Code, or 1,500 LEP Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

(h) “Fund” means the Community Healthcare Service Expansion Fund.

(i) “Account” means the Dentally Underserved Account which is contained within the fund.

SEC. 5. Section 2154.2 of the Business and Professions Code is amended to read:

2154.2. For the purposes of this article, the following terms have the following meanings:

(a) “Division” means the Division of Licensing.

(b) “Office” means the Office of Statewide Health Planning and Development (OSHPD).

(c) “Program” means the California Physician Corps Loan Repayment Program.

(d) “Medically underserved area” means an area as defined in Part 5 of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the California Healthcare Workforce Policy Commission pursuant to Section 128225 of the Health and Safety Code.

(e) “Medically underserved population” means the Medi-Cal, Healthy Families, and uninsured populations.

(f) “Practice setting” means:

(1) A community clinic as defined in subdivision (a) of Section 1204 and subdivision (c) of Section 1206 of the Health and Safety Code, a clinic owned or operated by a public hospital and health system, or a clinic owned and operated by a hospital that maintains the primary contract with a county government to fulfill the county’s role pursuant to Section 17000 of the Welfare and Institutions Code, which is located in a medically underserved area and at least 50 percent of whose patients are from a medically underserved population.

(2) A medical practice located in a medically underserved area and at least 50 percent of whose patients are from a medically underserved population.

(g) “Primary specialty” means family practice, internal medicine, pediatrics, or obstetrics/gynecology.

(h) “Medi-Cal threshold languages” means primary languages spoken by limited-English proficient (LEP) population groups meeting a numeric threshold of 3,000, eligible LEP Medi-Cal beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP

1 beneficiaries residing in a single ZIP Code, or 1,500 LEP
2 Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

3 (i) “Fund” means the Community Healthcare Services
4 Expansion Fund.

5 (j) “Account” means the Medically Underserved Account
6 which is contained within the fund.

7 SEC. 6. Section 2201 of the Business and Professions Code
8 is amended to read:

9 2201. For the purposes of this article:

10 (a) “Commission” means the California Healthcare
11 Workforce Policy Commission.

12 (b) “Division” means the Division of Licensing of the Medical
13 Board of California.

14 (c) “Practice of medicine” or “medical practice” means all
15 activities authorized by a physician’s and surgeon’s certificate,
16 except activities performed in the course of employment as a
17 public health officer, as a medical school faculty member where
18 teaching time is more than 25 percent of the working day, or as a
19 resident or first-year postgraduate trainee.

20 (d) “Primary care services” means those medical services
21 involving the specialties of general practice, family practice,
22 general internal medicine, obstetrics, gynecology, and general
23 pediatrics.

24 SEC. 7. Section 3516.1 of the Business and Professions Code
25 is amended to read:

26 3516.1. (a) (1) Notwithstanding any other provision of law,
27 a physician who provides services in a medically underserved area
28 may supervise not more than four physician assistants at any one
29 time.

30 (2) As used in this section, “medically underserved area”
31 means a “health professional(s) shortage area” (HPSA) as defined
32 in Part 5 (commencing with Section 5.1) of Chapter 1 of Title 42
33 of the Code of Federal Regulations or an area of the state where
34 unmet priority needs for physicians exist as determined by the
35 California Healthcare Workforce Policy Commission pursuant to
36 Section 128225 of the Health and Safety Code.

37 (b) This section shall become inoperative on July 1, 2007, and,
38 as of January 1, 2008, is repealed, unless a later enacted statute that
39 is enacted before January 1, 2008, deletes or extends the dates on
40 which it becomes inoperative and is repealed.

SEC. 8. Section 92725 of the Education Code is amended to read:

92725. (a) The program shall be considered successful if, after implementation of the program, all of the following occur:

(1) There is a 10 percent or greater increase in the rate of program graduates who choose to practice primary care over the average number of program graduates who chose to practice primary care during the previous five years.

(2) There is a decrease in the use of emergency room facilities for nonemergency procedures by persons served by the program from the use of emergency room facilities for nonemergency procedures during the previous five years.

(3) Families served by the program have received expanded health services without an increase in per capita health costs.

(b) Based on the evaluation of the program by the university pursuant to Section 92724, the Office of Statewide Health Planning and Development, in consultation with the California Healthcare Workforce Policy Commission, shall recommend to the Legislature on or before January 1, 1998, whether funding for the program should be expanded to include other medical schools.

(c) If the recommendation is made to expand the program pursuant to subdivision (b), it is the intent of the Legislature that the program be expanded to allow private medical schools and private schools of nursing to participate in the program in order to permit substantially all students who are training to become physicians and surgeons, nurse practitioners, or physician assistants to receive a portion of their training in a community-based education program.

~~SEC. 9. Section 120910 of the Health and Safety Code is amended to read:~~

~~120910. (a) The department shall collect data from the early intervention projects, and shall assess the effectiveness of the different models of early intervention projects based on the data collected at least annually.~~

~~(b) The department shall continuously collect data from each early intervention project. The data collected may include, but not be limited to, the following:~~

~~(1) The total number of clients served.~~

~~(2) The number of clients utilizing each service provided by the project.~~

1 ~~(3) Demographics on clients in the aggregate.~~
2 ~~(4) The source of funding for each type of service provided.~~
3 ~~(5) The cost of each type of service provided.~~
4 ~~(6) Medical treatment modalities utilized in the aggregate.~~
5 ~~(7) Changes in the clinical status of clients in the aggregate.~~
6 ~~(8) Changes in behaviors that present risks of transmitting HIV~~
7 ~~infection of the clients in the aggregate.~~
8 ~~(9) The psychosocial changes of clients in the aggregate.~~
9 ~~(10) Referrals made by the project.~~
10 ~~(11) Perceived unmet needs of the clients served by the project.~~
11 ~~(e) The department shall develop and distribute to each early~~
12 ~~intervention project forms for data collection that are designed to~~
13 ~~elicit information necessary for the department to comply with the~~
14 ~~requirements of subdivision (b). The data may be used by the~~
15 ~~department to comply with the requirements of subdivision (a).~~

16 ~~SEC. 10.~~

17 *SEC. 9.* Section 124425 of the Health and Safety Code is
18 amended to read:

19 124425. (a) It is the intent of the Legislature that funds
20 authorized by the Primary Care Services Act (Section 27) be
21 provided to organizations and agencies that are located in
22 underserved areas or that are serving population groups identified
23 pursuant to subdivision (b).

24 (b) Every two years the director shall develop a list of
25 underserved rural and urban areas and underserved population
26 groups. The director shall take into consideration the list of urban
27 and rural areas designated as medically underserved by the
28 California Healthcare Workforce Policy Commission and by the
29 office and federal medically underserved areas and population
30 groups designated by federal agencies.

31 (c) The director shall develop the list of underserved rural and
32 urban areas and underserved population groups, set forth in
33 subdivision (b), after consulting and receiving written
34 recommendations from the Primary Care Clinics Advisory
35 Committee and after consulting with appropriate groups and
36 individuals, including individuals representing underserved
37 populations and local government.

38 ~~SEC. 11.~~

39 *SEC. 10.* Section 124760 of the Health and Safety Code is
40 amended to read:

1 124760. The California Healthcare Workforce Policy
2 Commission shall establish a plan that integrates family practice
3 residencies and other health sciences education programs
4 established in rural areas pursuant to Article 8 (commencing with
5 Section 31910) of Chapter 5 of Division 5 of Division 22 of the
6 Education Code with the health services provided pursuant to
7 Article 3 (commencing with Section 124700).

8 ~~SEC. 12.~~

9 *SEC. 11.* Section 124765 of the Health and Safety Code is
10 amended to read:

11 124765. The California Healthcare Workforce Policy
12 Commission, in coordination with the Rural Health Section of the
13 department, shall designate the geographical rural areas within
14 California where unmet priority need for medical services exists.

15 ~~SEC. 13.~~

16 *SEC. 12.* Section 127928 of the Health and Safety Code is
17 amended to read:

18 127928. For purposes of this part, the following terms have
19 the following meanings:

20 (a) “Program” means the California Medical and Dental
21 Student Loan Repayment Program of 2002.

22 (b) (1) “Medically underserved area” means an area as
23 defined in Part 5 of Chapter 1 of Title 42 of the Code of Federal
24 Regulations or an area of the state where unmet priority needs for
25 physicians exists as determined by the California Healthcare
26 Workforce Policy Commission pursuant to Section 128225 of the
27 Health and Safety Code.

28 (2) “Dentally underserved area” means a geographic area
29 eligible to be designated as having a shortage of dental
30 professionals pursuant to Part I of Appendix B to Part 5 of Chapter
31 1 of Title 42 of the Code of Federal Regulations or an area of the
32 state where unmet priority needs for dentists exist as determined
33 by the California Healthcare Workforce Policy Commission
34 pursuant to Section 128224 of the Health and Safety Code.

35 (c) (1) “Medically underserved population” means the
36 Medi-Cal, Healthy Families and uninsured population.

37 (2) “Dentally underserved population” means persons without
38 dental insurance and persons eligible for the Denti-Cal and
39 Healthy Families Programs who are population groups described
40 as having a shortage of dental care professionals in Part I of

1 Appendix B to Part 5 of Chapter 1 of Title 42 of the Code of Federal
2 Regulations.

3 (d) “Medi-Cal threshold languages” means primary languages
4 spoken by limited-English proficient (LEP) population groups
5 meeting a numeric threshold of 3,000 eligible LEP Medi-Cal
6 beneficiaries residing in a county, 1,000 Medi-Cal eligible LEP
7 beneficiaries residing in a single ZIP Code, or 1,500 LEP
8 Medi-Cal beneficiaries residing in two contiguous ZIP Codes.

9 (e) “Office” means the Office of Statewide Health Planning
10 and Development.

11 ~~SEC. 14.~~

12 *SEC. 13.* Section 127755 of the Health and Safety Code is
13 amended to read:

14 127755. The office shall consult with the California
15 Healthcare Workforce Policy Commission, health systems
16 agencies, and other appropriate organizations in the preparation of
17 this plan.

18 ~~SEC. 15.~~

19 *SEC. 14.* Section 128040 of the Health and Safety Code is
20 amended to read:

21 128040. (a) The Office of Statewide Health Planning and
22 Development shall report to the Legislature on or before June 30,
23 2002, on the feasibility of establishing a California dental loan
24 forgiveness program utilizing the same general guidelines
25 applicable to the federal National Health Service Corps State Loan
26 Repayment Program (42 U.S.C.A. Sec. 254q-1; 42 C.F.R., Part 62,
27 Subpart C (commencing with Section 62.51)), except as follows:

28 (1) A dentist shall be eligible to participate in the loan
29 forgiveness program if he or she provides full-time or half-time
30 dental services in either of the following:

31 (A) A dental health professional shortage area (DHPSA),
32 established pursuant to Section 254e(a) of Title 42 of the United
33 States Code.

34 (B) An area of the state where unmet priority needs for dentists
35 exist as determined by the California Healthcare Workforce Policy
36 Commission pursuant to Section 128225.

37 (2) Matching funds to repay a portion of the dentist’s
38 outstanding loan amount shall be required from the practice site
39 areas or from other private nonprofit sources.

1 (3) A qualifying practice site shall include a private dental
2 practice.

3 (b) (1) The report required under subdivision (a) shall include
4 all of the following:

5 (A) A projection of the dentist-to-population ratio for
6 California in the next decade.

7 (B) A determination of the future need for dentists and dental
8 care in underserved communities. The office shall work
9 collaboratively with organizations that represent providers of
10 dental services to underserved communities in making this
11 determination.

12 (C) A report on the utilization by dentists of tuition loan
13 repayment programs at the federal and state level and identify the
14 barriers to full utilization of these loan repayment programs.

15 (D) A report on the projected cost increase of dental school
16 education at public and private postsecondary educational
17 institutions.

18 (E) A report on the implications of administering an additional
19 program, including a cost analysis.

20 (2) The report also shall include recommendations on whether
21 a program described in subdivision (a) should be established and,
22 if so, suggested funding sources. In making its recommendations,
23 the office shall consider the impact of the program on access to
24 dental services in areas of the state that currently have a shortage
25 of dentists.

26 ~~SEC. 16.~~

27 *SEC. 15.* Section 128205 of the Health and Safety Code is
28 amended to read:

29 128205. As used in this article, and Article 2 (commencing
30 with Section 128250), the following terms mean:

31 (a) “Family physician” means a primary care physician who
32 is prepared to and renders continued comprehensive and
33 preventative health care services to families and who has received
34 specialized training in an approved family practice residency for
35 three years after graduation from an accredited medical school.

36 (b) “Associated” and “affiliated” mean that relationship that
37 exists by virtue of a formal written agreement between a hospital
38 or other health care delivery system and an approved medical
39 school which pertains to the family practice training program for
40 which state contract funds are sought. This definition shall include

1 agreements that may be entered into subsequent to October 2,
2 1973, as well as those relevant agreements that are in existence
3 prior to October 2, 1973.

4 (c) “Commission” means the California Healthcare
5 Workforce Policy Commission.

6 (d) “Programs that train primary care physician’s assistants”
7 means a program that has been approved for the training of
8 primary care physician assistants pursuant to Section 3513 of the
9 Business and Professions Code.

10 (e) “Programs that train primary care nurse practitioners”
11 means a program that is operated by a California school of
12 medicine or nursing, or that is authorized by the Regents of the
13 University of California or by the Trustees of the California State
14 University, or that is approved by the Board of Registered Nursing.

15 ~~SEC. 17.~~

16 *SEC. 16.* Section 128207 is added to the Health and Safety
17 Code, to read:

18 128207. Any reference in any code to the Health Manpower
19 Policy Commission is deemed a reference to the California
20 Healthcare Workforce Policy Commission.

21 ~~SEC. 18.~~

22 *SEC. 17.* Section 128215 of the Health and Safety Code is
23 amended to read:

24 128215. There is hereby created a California Healthcare
25 Workforce Policy Commission. The commission shall be
26 composed of 10 members who shall serve at the pleasure of their
27 appointing authorities:

28 (a) Eight members appointed by the Governor, as follows:

29 (1) One representative of the University of California medical
30 schools, from a nominee or nominees submitted by the University
31 of California.

32 (2) One representative of the private medical or osteopathic
33 schools accredited in California from individuals nominated by
34 each of these schools.

35 (3) One representative of practicing family physicians.

36 (4) One representative who is a practicing osteopathic
37 physician or surgeon and who is board certified in either general
38 or family practice.

39 (5) One representative of undergraduate medical students in a
40 family practice program or residence in family practice training.

(6) One representative of trainees in a primary care physician's assistant program or a practicing physician's assistant.

(7) One representative of trainees in a primary care nurse practitioners program or a practicing nurse practitioner.

(8) One representative of the Office of Statewide Health Planning and Development, from nominees submitted by the office director.

(b) Two consumer representatives of the public who are not elected or appointed public officials, one appointed by the Speaker of the Assembly and one appointed by the Chairperson of the Senate Rules Committee.

(c) The Chief of the Health Professions Development Program in the Office of Statewide Health Planning and Development, or the chief's designee, shall serve as executive secretary for the commission.

~~SEC. 19.~~

SEC. 18. Section 128235 of the Health and Safety Code is amended to read:

128235. Pursuant to this article and Article 2 (commencing with Section 128250), the Director of the Office of Statewide Health Planning and Development shall do all of the following:

(a) Determine whether family practice, primary care physician assistant training programs proposals, and primary care nurse practitioner training program proposals submitted to the California Healthcare Workforce Policy Commission for participation in the state medical contract program established by this article and Article 2 (commencing with Section 128250) meet the standards established by the commission.

(b) Select and contract on behalf of the state with accredited medical schools, programs that train primary care physician assistants, programs that train primary care nurse practitioners, hospitals, and other health care delivery systems for the purpose of training undergraduate medical students and residents in the specialty of family practice. Contracts shall be awarded to those institutions that best demonstrate the ability to provide quality education and training and to retain students and residents in specific areas of California where there is a recognized unmet priority need for primary care family physicians. Contracts shall be based upon the recommendations of the commission and in

1 conformity with the contract criteria and program standards
2 established by the commission.

3 (c) Terminate, upon 30 days' written notice, the contract of any
4 institution whose program does not meet the standards established
5 by the commission or that otherwise does not maintain proper
6 compliance with this part, except as otherwise provided in
7 contracts entered into by the director pursuant to this article and
8 Article 2 (commencing with Section 128250).

9 ~~SEC. 20.~~

10 *SEC. 19.* Section 128260 of the Health and Safety Code is
11 amended to read:

12 128260. As used in this article, unless the context otherwise
13 requires, the following definitions shall apply:

14 (a) "Commission" means the California Healthcare
15 Workforce Policy Commission.

16 (b) "Director" means the Director of Statewide Health
17 Planning and Development.

18 (c) "Medically underserved designated shortage area" means
19 any of the following:

20 (1) An area designated by the commission as a critical health
21 manpower shortage area.

22 (2) A medically underserved area, as designated by the United
23 States Department of Health and Human Services.

24 (3) A critical manpower shortage area, as defined by the United
25 States Department of Health and Human Services.

26 (d) "Primary care physician" means a physician who has the
27 responsibility for providing initial and primary care to patients, for
28 maintaining the continuity of patient care, and for initiating
29 referral for care by other specialists. A primary care physician
30 shall be a board-certified or board-eligible general internist,
31 general pediatrician, general obstetrician-gynecologist, or family
32 physician.

33 ~~SEC. 21.~~

34 *SEC. 20.* Section 128330 of the Health and Safety Code is
35 amended to read:

36 128330. As used in this article:

37 (a) "Board" means the Board of Trustees of the Health
38 Professions Education Foundation.

39 (b) "Commission" means the California Healthcare
40 Workforce Policy Commission.

(c) “Director” means the Director of the Office of Statewide Health Planning and Development.

(d) “Foundation” means the Health Professions Education Foundation.

(e) “Health professions” or “health professionals” means physicians and surgeons licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, dentists, registered nurses, and other health professionals determined by the office to be needed in medically underserved areas.

(f) “Office” means the Office of Statewide Health Planning and Development.

(g) “Underrepresented groups” means African-Americans, American Indians, Hispanic-Americans, or other persons underrepresented in medicine, dentistry, nursing, or other health professions as determined by the board. After January 1, 1990, the board, upon a finding that the action is necessary to meet the health care needs of medically underserved areas, may add a group comprising the economically disadvantaged to those groups authorized to receive assistance under this article.

~~SEC. 22.~~

SEC. 21. Section 128385 of the Health and Safety Code is amended to read:

128385. (a) There is hereby created the Registered Nurse Education Program within the Health Professions Education Foundation. Persons participating in this program shall be persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area, as designated by the director of the office. Persons agreeing to serve in eligible county health facilities, eligible state-operated health facilities, or health manpower shortage areas may apply for scholarship or loan repayment. The Registered Nurse Education Program shall be administered in accordance with Article 1 (commencing with Section 128330), except that all funds in the Registered Nurse Education Fund shall be used only for the purpose of promoting the education of registered nurses and related administrative costs. The Health Professions Education Foundation shall make recommendations to the director of the office concerning both of the following:

(1) A standard contractual agreement to be signed by the director and any student who has received an award to work in an eligible county health facility, an eligible state-operated health facility, or in a health manpower shortage area that would require a period of obligated professional service in the areas of California designated by the California Healthcare Workforce Policy Commission as deficient in primary care services. The obligated professional service shall be in direct patient care. The agreement shall include a clause entitling the state to recover the funds awarded plus the maximum allowable interest for failure to begin or complete the service obligation.

(2) Maximum allowable amounts for scholarships, educational loans, and loan repayment programs in order to assure the most effective use of these funds.

(b) Applicants may be persons licensed as registered nurses or graduates of associate degree nursing programs prior to entering a program granting a baccalaureate of science degree in nursing. Priority shall be given to applicants who hold associate degrees in nursing.

(c) Not more than 5 percent of the funds available under the Registered Nurse Education Program shall be available for a pilot project designed to test whether it is possible to encourage articulation from associate degree nursing programs to baccalaureate of science degree nursing programs. Persons who otherwise meet the standards of subdivision (a) shall be eligible for educational loans when they are enrolled in associate degree nursing programs. If these persons complete a baccalaureate of science degree nursing program in California within five years of obtaining an associate degree in nursing and meet the standards of this article, these loans shall be completely forgiven.

(d) As used in this section, “eligible county health facility” means a county health facility that has been determined by the office to have a nursing vacancy rate greater than noncounty health facilities located in the same health facility planning area.

(e) As used in this section, “eligible state-operated health facility” means a state-operated health facility that has been determined by the office to have a nursing vacancy rate greater than noncounty health facilities located in the same health facility planning area.

~~SEC. 23.~~

1 *SEC. 22.* No reimbursement is required by this act pursuant
2 to Section 6 of Article XIII B of the California Constitution
3 because the only costs that may be incurred by a local agency or
4 school district will be incurred because this act creates a new crime
5 or infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

